

BOARD OF DESIGN REVIEW MINUTES

February 14, 2002

CALL TO ORDER: Chairman Stewart Straus called the meeting to order at 6:32 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive

ROLL CALL: Present were Chairman Stewart Straus; Board Members Cecilia Antonio, Hal Beighley, Mimi Doukas and Jennifer Shipley. Board Members Monte Edberg and Ronald Nardoza were excused.

Senior Planner John Osterberg, Associate Planner Tyler Ryerson, Associate Planner Scott Whyte, Associate Planner Sambo Kirkman and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Straus read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

STAFF COMMUNICATION:

Senior Planner John Osterberg reminded Board Members of the Joint Work Session scheduled for 7:00 p.m. Wednesday, March 13, 2002, with members of the Planning Commission for the purpose of creating an ordinance addressing telecommunications issues such as monopoles and cellular towers.

OLD BUSINESS:

CONTINUANCES:

Chairman Straus opened the Public Hearing and read the format of the hearing. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

A. BDR 2001-0145 – SW 170TH AVENUE & SW BASELINE ROAD
APARTMENTS TYPE 3 DESIGN REVIEW

(Continued from December 13, 2001)

This request is for Design Review approval for the construction of a 120-unit apartment complex, including the construction of 20 buildings, an access road, lighting and associated landscaping. The Development proposal is located at 16880 SW Baseline Road, and is more specifically identified on Washington County Assessor's Map 1S1-16DA, Tax Lot 500. The affected parcel is zoned Station Community – Mixed Use (SC-MU), and is a total of approximately 3.4 acres in size. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Observing that he has performed professional services for the applicant, *K & F Homes*, in the past, Mr. Beighley stated that this would have no bearing on his decision with regard to this application.

Associate Planner Tyler Ryerson presented the Staff Report and discussed issues that had been addressed by staff and the applicant, observing that some, but not all, of these issues have been resolved. He described the proposal for 120 units within 20 buildings, abutting the Tri-Met Elmonica Light Rail Transit Station at the corner of SW Baseline Road and SW 170th Avenue, including the features of the apartments, the playground, landscaping, on-site parking, garages, storage and a water quality facility. Noting that the proposal meets the parking requirements of a minimum of one parking space per unit required in this zoning district, he pointed out that SW 170th Avenue is classified as a major pedestrian route and described improvements that have been proposed for the sidewalks. He mentioned that the proposal provides for 40-foot tall buildings that would not exceed the maximum height restriction, noting that color boards have been provided within each individual packet. He described several of staff's major concerns that are being addressed, as follows:

- ?? The Five Oaks/Triple Creek NAC's desire that the property provide a nice high-density development that is not entry-level;
- ?? The monotony of building design, including the mass, spacing and uniformity of buildings along SW 170th Avenue;
- ?? The opportunity to provide a mixed-use development within this Station Community-Mixed Use zone;
- ?? The urban streetscape features, including both the exterior and the interior of the site;
- ?? Removal of all mature trees currently on the site;
- ?? Viability of landscaping located between the buildings; and
- ?? The lighting plan, which does not reflect the 1/2 foot-candle power of proposed illumination, proposed light fixtures and manufacturers illustrations and specifications, which have not been provided.

Mr. Ryerson discussed the Conditions of Approval suggested by staff, observing that the application meets the minimum criteria for approval, with the exception of design standard criterion “h”, with regard to the lighting. Concluding, he recommended denial of the application, based upon the failure to meet criterion “h” which addresses lighting, adding that staff is comfortable with an approval of the application, provided that the applicant submits a plan to address criterion “h”, and offered to respond to questions and comments.

Ms. Doukas referred to the sidewalks, observing that while pedestrian connectivity is a priority, there appears to be an excessive amount of sidewalks on this property, including along every individual property line. She pointed out that the plan illustrates duplicate sidewalks along SW 170th Avenue and SW Baseline Road, adding that those on SW Baseline Road do not follow the same geometry as the road.

Mr. Ryerson mentioned that the site plan has actually reduced the number of sidewalks that were originally proposed, expressing his opinion that the applicant would most likely prefer to address this issue. Referring to SW 170th Avenue, he noted that the applicant had been given the option of providing the required 8-foot sidewalk and extend the 5-feet of existing curb-tight or eliminating the existing sidewalk and replanting the area as a landscape strip and provide the 8-foot sidewalk up against the buildings. He pointed out that the third option had been to leave the 5-foot sidewalk and proceed with the construction of the second sidewalk, adding that this should be further discussed with the applicant. He mentioned that several of the buildings on SW Baseline Road have the secondary walkway in front of the existing curb-tight sidewalks, noting that this issue should be reviewed as well.

Ms. Doukas commented that she is also aware that the station area districts often require 8-foot sidewalks, as opposed to the usual 5-foot sidewalks, and requested clarification of which locations on the site would require the 8-foot sidewalks.

Mr. Ryerson advised that the 8-foot sidewalks would be required only along SW 170th Avenue, which is a major pedestrian route, emphasizing that SW Baseline Road would not be considered a major pedestrian route.

Ms. Doukas pointed out that several of the areas internal to the site also appear to have varying width sidewalks.

Mr. Ryerson noted that the proposal provides for a 14-foot setback between each building, which includes a walkway, a small portion of landscaping on either side of the walkway, and a trash enclosure for the lower units.

Chairman Straus requested clarification of the response of the applicant when they had become aware of a deficiency in the lighting plan and supporting data.

Mr. Ryerson informed Chairman Straus that early in the completeness review the applicant had been advised that this information had not been adequately provided, adding that the Facilities Review Committee Technical Advisory Notes had also indicated that the lighting issue would need to be resolved. He mentioned that he believes that the applicant has prepared their revisions for review this evening.

Referring to the location of the playground, Ms. Shipley questioned whether staff had required that the playground be located next to parking and whether a fence had completely surrounded the playground in the original proposal.

Mr. Ryerson stated that he believes that the site plan still illustrates a fence surrounding the playground area, adding that staff had felt that this involves an excessive use of chain link fence. He mentioned that staff recommended providing a fence only along the parking lot area and leaving an open field to the remainder of the open area to the south of the playground, adding that this black vinyl-coated fence shall be no more than 4-feet in height.

Ms. Shipley questioned whether relocating the fence had been considered.

Mr. Ryerson stated that while the fence may have been located in a different location originally, this is an issue that the applicant should address.

Chairman Straus requested clarification of whether the applicant is required to furnish some type of service provider letter with regard to the trash removal for the site.

Mr. Ryerson advised Chairman Straus that this information is included within the applicant's narrative, specifically Exhibit No. 5.

Chairman Straus expressed his opinion that 124 cans lined along the narrow internal street on garbage day would not be very attractive.

Mr. Ryerson observed that while trash collection has been one of staff's major issues, this is the solution that has been provided by the applicant. He emphasized that the 120 units provides an appropriate density for this area, adding that staff is reluctant to lose a building and six units in order to provide for additional parking or a trash facility. He explained that the zone allows for buildings of up to 60-feet in height, adding that with a Conditional Use Permit, these buildings could exceed 60-feet.

Ms. Doukas requested clarification of whether the units would be condominiums, for sale units or rental units.

Observing that the application had originally provided for rental units, Mr. Ryerson stated that the applicant is now interested in developing condominiums,

emphasizing that staff does not differentiate between apartments and condominiums.

Ms. Doukas requested an explanation of the logistics if the live/work units are actually converted to more of an office or commercial-type use, specifically whether this would involve some impact issues.

Mr. Ryerson stated that this issue has been discussed, noting that this may be what has convinced the applicant to revise their plan to the to condominium scenario. He mentioned that the CC&R's must stipulate how these units could be converted, adding that because the same external features would exist, design review would not be necessary.

Ms. Doukas questioned whether Mr. Ryerson is aware of any other impacts that would be different with regard to office and commercial versus residential.

Mr. Ryerson noted that the major issues concern parking and external changes, adding that the CC&R's would have to be very specific in explaining how the conversion would work. He mentioned that there would also be building permit issues, adding that office would obviously be the most opportunistic type of use and work scenario, adding that this would be determined both by the market and who actually looks at the units.

APPLICANT:

DON HANSON, representing *Otak, Inc.* submitted copies of a handout he had prepared, pointing out that this information addresses some of the concerns that had been mentioned within the Staff Report. Observing that the applicant concurs with the suggested Conditions of Approval, he stated that he would like to provide an overview of both the site and the design. He mentioned that one of the basic objectives of this proposal had been to create an attractive housing development that fits within the context of the existing neighborhood, emphasizing that the applicant has also attempted to provide affordable "For Sale" units, with a price range of between \$94,000 and \$134,000. He discussed the design of the proposal and referred to an aerial photograph of the vicinity map, emphasizing that access and circulation has been predetermined, noting that an existing access drive from the park and ride actually stubs into the site at a fixed location. He referred to a second access point proposed by the applicant on the other collector street that enters the park and ride, emphasizing that no curb cuts, vehicular access or parallel parking would be allowed on either SW 170th Avenue or SW Baseline Road.

Mr. Hanson mentioned that all of the buildings have been configured into an interior loop drive, adding that the buildings all have front porches that face the sidewalks, resulting in numerous sidewalks. He noted four garage units would be included within each building, adding that additional surface parking would be

provided for the 1-bedroom units on the main level and that garages would be provided for the townhomes up above. Noting that each of the 20 3-story buildings would include six units, he explained the conversion potential to office or retail within 6 of the buildings along the east edge and the south edge. He pointed out that the applicant has negotiated with Tri-Met to acquire crossover parking within an unimproved gravel lot, adding that the applicant would make the improvements and complete the parking lot, landscaping, curbs and drainage in order to utilize an additional 12 spaces that face the subject site. Referring to pedestrian circulation, he discussed a shortcut walk that travels through the site, as well as the largest open space landscape area for the development. He mentioned that an extra sidewalk has been proposed along SW170th Avenue because the applicant prefers not to tear out the 5-foot wide sidewalk that has been recently installed.

Mr. Hanson discussed the proposed lighting plan, noting that the lighting along all of the circulation routes has basically been increased. He described the fixtures, observing that at the suggestion of staff, the wall-mount unit on the back had been changed. He discussed the color scheme and building elevations, and provided an illustration depicting both building types – the hip roof and gable structure, noting that these styles would be mixed differently on each façade. Referring to the outreach program with the NAC, he pointed out that a very conceptual site plan had been provided at the meeting held in late August, adding that the second meeting had been postponed until late in September due to issues related to September 11th. He noted that those who attended these meetings had expressed various opinions, adding that while some had felt that the development should be denser and taller and resemble the Pearl District, others had been opposed to the density, traffic and parking. He expressed his opinion that the applicant had submitted a proposal that attempts to create a compromise, adding that the proposal is residential in character with smaller-scale buildings.

Mr. Hanson noted that Washington County has issues with parallel parking on SW 170th Avenue and SW Baseline Road, adding that while this would not be appropriate on a high-speed facility such as SW Baseline Road, they had also resisted this option for SW 170th Avenue, because it would preclude some of their future options with regard to road widening and lane configuration. He noted that it is not certain whether there would be expanded parking or mixed use in this area, adding that with regard to conversion potential, the applicant is hopeful that individuals who purchase a townhouse are also purchasing a workspace. Concluding, he offered to respond to questions and comments.

Ms. Doukas expressed concern with the number of sidewalks, observing that she also has an issue with the changing widths throughout the site.

Mr. Hanson explained the rationale for the variations in the widths of the sidewalks, observing that the 7-foot sidewalks are adjacent to parking areas and that they have been basically oversized in consideration of potential bumper

overhang within the parking spaces, adding that this also addresses a City requirement. He pointed out that the widths of the walks that would be located between the buildings would be 4-1/2 feet, adding that ample space for landscaping and trash enclosures would still be available. He expressed his opinion that uniform sidewalks would actually create more of a visual problem, adding that he finds the variety aesthetically pleasing.

Ms. Doukas referred to the odd sidewalk pattern along SW Baseline Road.

Mr. Hanson explained that people would come from parking off the interior loop road within the site and walk to their front doors and porches that face SW Baseline Road, noting that he had not wanted these people to have to walk out to a curb-tight sidewalk on SW Baseline Road carrying 2 bags of groceries. He mentioned that the second walkway provides a parallel route, expressing his opinion that the appearance should be interesting.

Observing that this might have aesthetic value, Ms. Doukas expressed her opinion that it involves a great deal of concrete or unnecessary impervious surface. Noting that she is familiar with what Mr. Hanson is attempting to achieve and has no better ideas, she stated that she is not comfortable with this solution.

Mr. Hanson mentioned that an alternative would be for only one walk over there, on an easement, parallel to SW Baseline Road.

Noting that the pedestrians would most likely prefer to be a little further from the traffic, Ms. Doukas emphasized that this would also eliminate the duplication factor at that location. She pointed out that she is also not enthusiastic about the duplication on SW 170th Avenue.

Mr. Hanson agreed, reiterating that he has an issue with destroying the new concrete sidewalk at that location, adding that he is also uncertain with what action Washington County would take in that area.

Mr. Beighley requested clarification of the curb cut north of Building No. 11 along SW Baseline Road.

Mr. Hanson advised Mr. Beighley that this is the location of an old driveway to a house, adding that it has been closed off.

Ms. Shipley requested further information with regard to the proposed playground.

Mr. Hanson stated that he likes staff's suggestion to fence only the area where cars would be parked, with the playground opening out into the larger green space in the center of the site. He mentioned that the applicant had considered the possibility of providing two triangles, one of which would be the playground and

the other the lawn area. He pointed out that with fewer windows on that side of the building, there would be less noise impact, although there would still be an opportunity for good visual supervision from the second level deck.

Mr. Doukas referred to the proposed material, emphasizing that installing chain link fencing around playgrounds always tends to resemble kenneling puppies, and questioned the possibility of providing a kid-friendly white picket fence.

Mr. Hanson suggested an alternative black vinyl short tennis court fence that is 4-feet high, noting that the fencing could possibly match the fence rails of the buildings.

Expressing his concern with the safety of the children, Chairman Straus noted that he prefers to keep them as far from the vehicles as possible.

Mr. Hanson assured Chairman Straus that he is open to suggestions, adding that it would be feasible to switch the locations of the playground and lawn area.

Ms. Doukas questioned the plan with regard to the open space located at the intersection of SW 170th Avenue and SW Baseline Road.

Expressing his opinion that this open space is well placed, Mr. Hanson stated that he would prefer to keep that area green.

Referring to tree grates, Ms. Shipley suggested the possibility of integrating more greenery into the internal circulation pathways.

Mr. Hanson informed Ms. Shipley that from his perspective, the tree grates would actually reduce the amount of greenery. He noted that the landscape islands in the interior are quite large, pointing out that in order to function, it is necessary to provide a 25-foot inside turn radius.

Ms. Shipley mentioned that there are spaces where no trees exist at this time, suggesting that more trees could be placed through these areas.

Mr. Hanson agreed with Ms. Shipley's idea of adding trees where there are no trees planned at this time.

Ms. Doukas noted that she is concerned with the lighting plan, adding that more lighting should be provided in the parking areas in front of Unit Nos. 7, 8, 4 and 5, as well as the play structure area.

Mr. Hanson observed that the play structure would be utilized in the evening hours and that the lighting issues would be easy to address.

Chairman Straus discussed the lighting, pointing out that while a standard ½-foot candle is an average minimum, some of the areas appear to have the potential to be dark. Observing that there would be no fence or other security to restrict the public from entering from SW Baseline Road or SW 170th Avenue into the property, he expressed his opinion that this would not provide a secure environment for the tenants. He questioned whether carports would be available in the surface parking area.

Mr. Hanson advised Chairman Straus that the applicant is proposing only surface parking in that area.

Chairman Straus requested clarification of whether handicapped parking spaces would be provided.

Mr. Hanson identified two handicapped parking stalls on the site plan.

Chairman Straus observed that because a certain percentage of ground level units must be handicapped accessible or have the ability to adapt, the proposed parking might not be adequate, adding that two spaces on one side of the building might not be appropriate for some tenants.

Mr. Hanson agreed that it might be appropriate to reposition one of the handicapped parking spaces in another area.

Chairman Straus discussed the parking situation, observing that the code requires one handicapped accessible parking space for every 25 parking spaces. He pointed out that the development should have a total of 5 handicapped parking spaces, which should be dispersed throughout the site in order to minimize the travel distance necessary for an individual in a wheelchair.

Observing that the overall parking plan had been approved at one time, Mr. Hanson expressed his opinion that this has been thrown into the mix.

Chairman Straus requested clarification of where the parking for the professional clientele is to be located.

Mr. Hanson advised Chairman Straus that the professional clientele would park in 3 locations, primarily 12 particular spaces, noting that generally each conversion space frees up another space on site.

Ms. Doukas requested clarification of how the conversion reduces the need for parking spaces.

Mr. Hanson clarified that this conversion results in one less housing unit.

Ms. Doukas pointed out that this converted unit would still have at least one employee, unless a true live/work unit is involved.

Chairman Straus noted that this would still be governed by the standard commercial parking rate of 1 space per 400 square feet, adding that this could easily determine that 2 parking spaces are required for a converted unit.

Mr. Hanson mentioned that this is the rationale for the 12 adjacent spaces, noting that these are in addition to the 124 spaces, for a total of 136 spaces.

Chairman Straus questioned whether the applicant has an understanding with Tri-Met with regard to the utilization of other portions of their park-and-ride lot.

Mr. Hanson observed that this park-and-ride, which is full on a daily basis, is monitored quite heavily, noting that the applicant is only entitled to utilize the 12 spaces that had been discussed. He explained that in order to discourage Tri-Met commuters from using these spaces, a 2-hour time limit would be clearly posted.

Referring to trash collection for the development and the service letter from the waste management company, Chairman Straus expressed his opinion that the applicant is being somewhat optimistic. He pointed out that he is finding it difficult to believe that the Homeowner's Association would appreciate this large truck lumbering through the site at this particularly busy time of day, in addition to stopping at 124 different locations to pick up individual cans. He noted that it would be reasonable to request an alternate plan identifying several community collection facility locations to accommodate this service in the event that this individual collection does not work.

Mr. Hanson expressed his opinion that the community collection facility locations where the cans could be placed, as suggested by Chairman Straus, would be preferable to lining up the individual cans along this road.

Chairman Straus emphasized that these locations should be identified and that a design for an appropriate enclosure should be provided.

PUBLIC TESTIMONY:

RACHEL NETTLETON and **DAVID KAMIN**, representing the Five Oaks/ Triple Creek NAC, introduced themselves.

Ms. Nettleton expressed her concern with the general lack of planning in the area, rather than an objection to this particular project. Noting that the area is being nicked and dined to death with various little projects, she emphasized that there is no actual cohesive plan for the entire area. Observing that the NAC is concerned with the local schools being overwhelmed with extra students, she pointed out that several of the schools are already operating beyond their capacity.

She noted that this area had originally been designated as Mixed Use (MU) around the Tri-Met Light Rail Station, she mentioned that this should have included developments such as small shops. Suggesting that the NAC had actually envisioned a density greater than what is proposed by the applicant, she pointed out that an additional story to the building, while more expensive, would achieve this goal. Observing that an additional story would most likely require elevators, she emphasized that this would also provide for greater handicapped accessibility. She explained that the NAC had envisioned something more urban in this area, including businesses such as shops, convenience stores and drycleaners, adding that there are currently no services such as these provided within this area.

Ms. Nettleton described another concern that she has not seen addressed, specifically the noise level of SW Baseline Road, adding that some of this is connected to the Tri-Met trains. She expressed her opinion that anyone residing in this area is going to want to relocate, observing that some provision could and should be made to provide for noise reduction. Referring to the lighting issue, she expressed concern that the lighting be shielded to prevent the light from creating issues to other properties. She mentioned that motion sensors should be considered for security purposes, adding that this would also be cost effective with regard to energy costs.

Reiterating that the NAC's main concern is with regard to the lack of planning, Ms. Nettleton pointed out that there is already plenty of cheap, affordable housing in the area, emphasizing that more is not needed. Observing that she had lived in Manhattan as a child, she expressed her opinion that increased density also provides many conveniences and services that are lacking in other situations, which eliminates or reduces the need for a car.

Mr. Kamin pointed out that in his opinion, this project has the potential for many improvements. Suggesting that the developer observe what is occurring at the Beaverton Creek Light Rail Station, he mentioned that this area has hundreds of apartments within walking distance of the station, emphasizing that the majority of the ground floor commercial space is vacant. He noted that some of these commercial spaces have not been rented out in at least 3 years, adding that the pizza parlor just went bankrupt and gave up their lease. He commented that he has a lot of reservations with regard to the type of businesses and space that is being allowed for retail/commercial use, adding that Mr. Hanson had indicated that the applicant prefers that the ground floor retail units be purchased by the same individuals who purchase the upper housing units. Emphasizing that this is highly unlikely, he explained that the individuals who purchase these housing units would be those who are unable to afford to purchase a single dwelling that exists on its own property. Noting that he is a realtor with *John L. Scott Realty*, he pointed out that these individuals generally determine within 2 or 3 years that they have made a mistake and want out, with the result that there is usually quite a bit of turnover with this type of unit.

Mr. Kamin pointed out that he had made several other discoveries when visiting *LaSalle Crossing*, which is one of the apartment units in the Beaverton Creek Light Rail Station area, adding that among the few business owners left in the area, the two most successful include a florist shop and a *State Farm Insurance* agent. He mentioned that the majority of their clientele does not come from the apartments, noting that they had brought their own clientele with them to the site. He emphasized that his resources had revealed that their business is not an actual destination for anyone traveling on the light rail, expressing his opinion that this property, which is located at the intersection of two arterials, is best suited for a retail complex, rather than this particular type of housing. He reiterated that those individuals who purchase these housing units most likely are unable to afford a more appropriate option and would unlikely have any resources to open up a business, adding that the individuals who own businesses in the Beaverton Creek Station area do not live in the area themselves. Pointing out that the businesses are also not allowed to properly advertise their businesses, he emphasized that most people do not even realize that they exist, which may be a contributing factor to their lack of success. Clarifying that the NAC he represents is not anti-development in any way, he stated that they would like to encourage intelligent development that makes use of and fits in with the surrounding properties. He pointed out that there is approximately 100 acres of vacant and available land located to the south and west of this property, adding that plans for this property have not been made by either the City of Beaverton or Washington County. Concluding, he expressed his opinion that planning for this area should involve some type of theme.

Chairman Straus expressed his appreciation of Mr. Kamin's comments, emphasizing that while it would undoubtedly resolve a lot of issues, it is unfortunate that the City of Beaverton does not always have funding available to plan ahead. He pointed out that it is necessary to base a decision upon applicable criteria, noting that Criterion A addresses the relationship to existing surrounding and future allowed uses with regard to the location, size, shape, height, spatial and visual arrangement of the uses and structures and the compatibility with consideration given to increased setbacks, building heights, shared parking, common driveways and other considerations. He questioned whether Mr. Kamin anticipates any issues pertaining to this proposal with regard to this criterion.

Mr. Kamin mentioned that when the applicant had given their presentation at the Neighborhood Meeting the NAC had indicated that they would prefer to see a development on a little bit grander scale. Noting that the applicant had indicated that buildings over 60 feet in height would require a Conditional Use Permit, he emphasized that the NAC had no problem with this. Observing that this area is in close proximity to *Nike*, *Intel* and *IBM*, he emphasized that this is why the NAC had expressed a preference for a development that is a little bit more upscale in nature. He discussed the proposed building materials, suggesting that they might appear rundown after a certain period of time.

Chairman Straus advised Mr. Kamin that it is expected that a development of this nature would be maintained.

Ms. Doukas pointed out that it is somewhat difficult to balance the creation of affordable housing within a quality development.

Mr. Kamin expressed his opinion that nothing is stipulated within this zoning district with regard to affordable housing.

Chairman Straus mentioned that while affordable housing is not actually required within this zoning district, there is also no provision that actually precludes a developer from opting for that particular approach to a development project at this location as long as other applicable criteria for the location is met. He pointed out that if the density requirements of the site are met, the applicant has basically fulfilled his obligations with regard to zoning use. He agreed that it is true that the potential density would not be maximized with this proposal, adding that the ordinance does not obligate an applicant to provide for the maximum. Observing that the Board of Design Review has encouraged the City of Beaverton to provide some basic planning with regard to what would be considered appropriate in those station areas, he noted that the resources for this review have not been available.

Ms. Doukas expressed her opinion that staff would most likely welcome Mr. Kamin's input, adding that he appears to have considered what he envisions for this area at great length. She mentioned that the limited access along SW Baseline Road makes retail development more difficult.

Ms. Nettleton mentioned the Sunset Plan with regard to these station areas, noting that it appears that this plan has been abandoned.

Chairman Straus emphasized that everything within this plan is subject to whatever the private development chooses to do with it, adding that they would not put 500 units, rather than 120 units on a site, if it cannot be justified.

Ms. Doukas clarified that the Sunset Plan relates to Washington County, rather than the City of Beaverton.

Ms. Nettleton expressed her opinion that the Sunset Plan has shifted between Washington County and the City of Beaverton.

On question, Mr. Kamin expressed his opinion that while individuals without enough money to afford single-family housing are more inclined to purchase the type of housing proposed in this development, improving the quality and adding amenities could encourage those individuals who have more money to purchase these units. Noting that very few one-level units are being constructed, he pointed out that the majority of today's baby-boomers will grow weary of running up and down stairs and would be attempting to find an appropriate place to retire to.

APPLICANT REBUTTAL:

Mr. Hanson referred to the comments with regard to lighting and motion sensors, observing that these issues could easily be addressed. He pointed out that he is also well aware of what is occurring at the Beaverton Creek Apartments, particularly with regard to the limited success of some of the ground floor uses near the transit station. He emphasized that the use of these ground floor spaces would be convertible and that the market would actually determine how these spaces would be used. He pointed out that the applicant prefers to provide the flexibility for these units to convert from 1-bedroom units to retail use in the event the area intensifies. He also pointed out that the applicant would have met their objective if the units were purchased by individuals who are unable to purchase single-family homes, emphasizing that this transit-oriented area is also a good location for these individuals.

Chairman Straus requested clarification of the noise issue.

Observing that no noise testing has been done on the site, Mr. Hanson agreed that there would be noise generated by the traffic on SW Baseline Road. He expressed his opinion that treatment such as a wall or dense shrubbery on the property would not be appropriate at all, adding that this should be addressed through the design and construction of the building.

Noting that several issues that have been discussed with regard to this application would require additional preparation, Chairman Straus requested clarification of how the applicant proposes to address this situation.

Mr. Hanson stated that he would like to discuss this situation with regard to procedure, and mentioned issues that would need to be addressed, as follows:

1. Modifications to the sidewalks;
2. Relocation of the playground;
3. Shade trees on the western edge of the landscape triangle within the center of the site;
4. Lighting issues, particularly with regard to security within the narrower spaces of the building;
5. Handicapped parking allocation;
6. Calculation for percentage of necessary handicapped accessible units; and
7. Trash pickup locations and designs.

Observing that these issues would most likely necessitate revisions to the site plan, Mr. Hanson suggested that the applicant could provide a Supplemental Memorandum that addresses each item in detail.

Chairman Straus requested clarification of whether the applicant is requesting a continuance of the Public Hearing.

On question, Mr. Ryerson informed Mr. Hanson that a request for a continuance would be advisable, adding that it would be necessary to sign the appropriate form waiving the 120-day rule.

Mr. Hanson agreed that the applicant would be willing to sign the necessary form.

Chairman Straus explained that it would be necessary to continue to a specific date, adding that the applicant would be required to provide the appropriate information to staff prior to the continued Public Hearing.

At the request of Ms. Doukas, Mr. Hanson agreed that the applicant would also provide more information with regard to the noise issue.

Following a brief discussion, Mr. Ryerson and Mr. Hanson agreed that February 28, 2002 would be an appropriate date for the continued Public Hearing.

The public portion of the Public Hearing was closed.

Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that BDR 2001-0145 – SW 170th Avenue & SW Baseline Road Apartments Type 3 Design Review be continued to a date certain of February 28, 2002.

The question was called and the motion **CARRIED**, unanimously.

8:22 p.m. to 8:29 p.m. – break.

NEW BUSINESS:

PUBLIC HEARINGS:

A. **BDR 2001-0198 – BEAVERTON SCHOOL DISTRICT PROPOSED TRANSPORTATION AND SUPPORT CENTER TYPE 3 DESIGN REVIEW**

This request for Design Review approval has been submitted for the development of a transportation and support center for storing and maintaining Beaverton School District buses, specifically for the storage and maintenance of approximately 130 large buses and 70 small buses in a new parking lot to be located north of the existing building on-site. The applicant also plans to add approximately 185 new parking spaces west of the existing building for the use of employees and visitors. The existing building would remain on-site, but would be remodeled for the creation of maintenance bays for buses and administration offices for staff. Within the Light Industrial zone transit storage and auto service, both major and minor, within enclosed buildings, are permitted outright. The development site is generally located south of NW Twin Oaks Drive, east of NW 167th Place and north of Willow Creek, and is more specifically identified as Tax Lots 200, 300, 400 and 900

on Washington County Assessor's Map 1N1-31Ad. The site is zoned Light Industrial (LI) and totals approximately 13.84 acres in size.

Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that BDR 2001-0198 – Beaverton School District Proposed Transportation and Support Center Type 3 Design Review be continued to a date certain of March 14, 2002.

Motion **CARRIED**, unanimously.

B. BDR 2001-0179 – VOICE STREAM MONOPOLE AT SW 1ST STREET TYPE 3 DESIGN REVIEW

This request for Design Review approval has been submitted for the construction of a 60-foot monopole in the design of a flagpole with associated equipment cabinets and landscaping. The address of the proposed development, which is generally located on the south side of SW 1st Street, between SW Angel Avenue and SW Watson Avenue, is 12650 SW 1st Street, and is more specifically identified as Tax Lot 4200 on the Washington County Tax Assessor's Map 1S1-16AD. The affected parcel is zoned Regional Center – Old Town (RC-OT) and totals approximately 0.11 acres in size. A decision for action on the proposal shall be based upon the approval criteria listed in Section 40.10.15.3.C.

Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that BDR 2001-0179 – Voice Stream Monopole at SW 1st Street Type 3 Design Review be continued to a date certain of March 28, 2002.

Motion **CARRIED**, unanimously.

C. BDR 2001-0196 – HENRY STREET EXTENSION PROJECT TYPE 3 DESIGN REVIEW

The applicant requests Design Review approval for the extension of the SW Henry Street right-of-way between SW Cedar Hills Boulevard and SW Rose Biggi Avenue. The Board of Design Review, during a public hearing, will review the overall design of this request including landscaping, street layout, and lighting design. In taking action on the proposed development, the Board shall base its decision on the approval criteria listed in Section 40.10.15.3.C. The development proposal is located at 4220 and 4250 SW Cedar Hills Boulevard between SW Cedar Hills Boulevard and Rose Biggi Avenue; Washington County Assessor's Map 1S1-16AA on Tax Lots 1401, 1700 and 7100. The affected area is zoned Regional Center – Transit Oriented (RC-TO) and is approximately 0.70 acres in size.

Mr. Beighley **MOVED** and Ms. Doukas **SECONDED** a motion that BDR 2001-0196 – Henry Street Extension Project Type 3 Design Review be continued to a date certain of February 28, 2002.

Motion **CARRIED**, unanimously.

**D. ADJ 2001-0003 – WASHINGTON COUNTY ELECTIONS DIVISION
LOADING DOCK MODIFICATIONS ADJUSTMENT**

This request for Adjustment approval has been submitted for modifications to an existing commercial building at 3700 SW Murray Boulevard in order to modify the development standard of the SC-MU district requiring off-street loading spaces to be placed behind or to the side of buildings to avoid blocking pedestrian connections, pursuant to Section 20.20.60.A.I.H. of the Development Code. In addition, the loading areas shall be screened from the street or any pedestrian way by solid walls, landscaping, or both. The development proposal is located on Washington County Assessor's Map 1S1-09CC, Tax Lot 4600. The site is zoned Station Community – Multiple Use (SC-MU) and totals approximately 2.43 acres in size. A decision for action on the proposal shall be based upon the approval criteria in Section 20.20.60.A.4.B.

Associate Planner Scott Whyte presented the Staff Report and described the proposal and an associated application. Observing that this request involves an adjustment to the development standard requiring loading spaces to be placed behind or to the side of buildings to avoid blocking pedestrian connections. He pointed out that the public use to occupy this building would be subject to separate review through the separate application for the CUP, which the applicant is in the process of preparing. Observing that there is an issue with parking, he mentioned that although the proposed loading dock would eliminate 7 on-site parking spaces, the proposal would still exceed the number of required parking spaces. He noted that regardless of what is required by code, the Planning Commission, in its review of the CUP application, could require additional parking.

Chairman Straus requested clarification of why additional parking would be required through the CUP process.

Mr. Whyte advised Chairman Straus that while he is unable to predetermine the action of the Planning Commission, the parking provided with the application exceeds the minimum parking requirements and is less than the maximum parking requirements.

Chairman Straus expressed his opinion that approval of this application would be basically accepting the parking count and any associated issues.

Observing that this issue is confusing, Mr. Whyte emphasized that three separate applications could include separate requirements.

Noting that this involves an office building, Chairman Straus requested clarification of what situation would trigger this use being considered a conditional use.

Mr. Whyte pointed out that a public use requires a Conditional Use approval within this particular zone, observing that the Planning Commission could either determine that the parking is sufficient or that there is a need for additional parking. He mentioned that the building also includes Washington County Traffic Court, a use that historically requires a great deal of parking, adding that all of these issues would be considered in the evaluation. He mentioned that tenant improvements have been improved inside the building, adding that this involved 2 separate requests without much consultation with the planning staff.

Comparing the issue with worrying about the deck chairs on the *Titanic*, Chairman Straus stated that he does not agree with dealing with this issue out of context with the remainder of the application, emphasizing that the actions should have been combined and addressed within a single process.

Mr. Whyte advised Chairman Straus that the applicant should be able to explain why separate actions were taken.

Chairman Straus questioned why planning staff had not requested simultaneous applications.

Mr. Whyte informed Chairman Straus that the applicant is entitled to submit simultaneous applications.

Chairman Straus emphasized that because this is not the driving force of the application, other issues would take greater precedence with regard to the feasibility of this project, adding that he is concerned with the possibility that approval at this time does not necessarily mean that the project would not have to be approved again through a separate process.

Ms. Doukas pointed out that this is the way the system is set up, adding that the applicant is not required to complete the CUP process prior to this adjustment.

Observing that the applicant has addressed the appropriate approval criteria, Mr. Whyte recommended approval of the application, under certain Conditions of Approval, and offered to respond to questions and comments.

APPLICANT:

FRANK ANGELO, representing *Angelo, Eaton & Associates*, and **LARRY EISENBERG**, representing Washington County Elections Division, introduced themselves.

Mr. Angelo provided a brief history of the application and observed that the issue of a conditional use had never been discussed during either the pre-application process or any sessions with Washington County, adding that it had been assumed that the continuation of the use as the building as an elections office would be permitted. He mentioned that after the subsequent submittal of the application for the adjustment and design review for the elections portion of the building it had been determined that a conditional use permit would be necessary. Noting that a Neighborhood Meeting has been scheduled for Thursday, February 21, 2002, he mentioned that it is anticipated that the request for a conditional use review would be submitted to the Planning Commission within two weeks following that meeting.

Mr. Angelo discussed the request for an adjustment in order to locate a loading facility on the front side of the building, noting that an examination of the property had determined that this is the logical and only place to locate this facility in order to actually serve the intended function. Pointing out that because the Sheriff's Division would be relocating to other portions of the building, he mentioned that security issues on the south and east sides of the building would preclude locating the loading dock in that area. He further explained that in addition, it would be physically difficult to locate the loading dock in that location, adding that this area is also adjacent to an existing neighborhood of single-family residences. Emphasizing that the use of this facility would be restricted to the Elections Division only, he pointed out that the use would be fairly infrequent, occurring during the primary election in the spring and the general election in November and that the most activity would be from two weeks prior to and one day following any election. He explained that with very few deliveries to the site itself, the intent is to serve the demand created by the full-time mail system and the need to process the ballots at the site. Observing that parking would be an issue of the conditional use review, he pointed out that while this is not the subject of this particular application, the proposal provides for 167 spaces, which exceeds the minimum requirement of 127 parking spaces. Expressing his agreement with staff's recommendation for approval, he emphasized that the upcoming primary election creates a need for the elections facility at this location, adding that this preempts the related application for the Sheriff's Division.

Mr. Eisenberg provided a brief background of the building and associated uses intended for this facility, emphasizing that Washington County has been attempting to provide certain county services in the east end of the county. Noting that there has been an extensive search for a suitable facility in a public location proximate to a light rail station, he pointed out that this particular building fulfills that criteria and also provides for visibility and access. Emphasizing that geographic factors drove the search resulting in this proposal, he stated that this proposal provides a classic and masterful solution to an identified need, enhances the aesthetics of the building, and serves several purposes. Concluding, he offered to respond to questions and comments.

Mr. Angelo reiterated that this proposal provides a very creative solution to the loading issue, pointing out that because deliveries would be raised to the elections services located on the second level, this is not actually a traditional loading dock.

Observing that Mr. Angelo had just addressed her question, Ms. Doukas pointed out that this proposal resembles a freight elevator, rather than a loading dock.

Mr. Eisenberg noted that the loading dock would be equipped with an interesting feature, resembling a scissors jack, which would actually sit down into the base of the concrete and not be visible until a truck approaches.

Ms. Doukas questioned whether the loading dock would be closed off when not in use, specifically whether there would be a gate to prevent people from entering the area.

Mr. Eisenberg assured Ms. Doukas that a gate across front of the entry area should discourage any individuals who might otherwise enter the area.

Chairman Straus questioned whether delivery trucks would actually back into the loading dock at that angle.

Mr. Eisenberg pointed out that with the limited turning radius on the site, this angle provides the only opportunity for access to the loading dock.

Chairman Straus questioned whether the Sheriff's Department entrance is integrated into the lower level of the building.

Mr. Angelo indicated on the drawing where the access to the Sheriff's Department would be located.

Chairman Straus requested clarification the height of the wall beside the lift.

Mr. Eisenberg advised Chairman Straus that the wall beside the lift would be a maximum of 8 to 10 feet high

Chairman Straus questioned whether the wall would be high enough to be above the entry level for elections.

Indicating the location on the illustration, Mr. Eisenberg stated that basically the concrete wall runs alongside the lift, shielding the edge of the lift, adding that the scissor lift comes up from the bottom of the deck plate and that the wall is only necessary up to the edge of the loading dock rail. On question, he assured Chairman Straus that there would be a hinged guard rail at the open side where the scissors lift comes out, adding that this would provide a safety feature for individuals utilizing the facility.

Observing that the wall is really high, Ms. Doukas expressed her opinion that this creates a sort of a funny space, which she described as almost cave-type, and questioned whether this involves safety issues.

Mr. Eisenberg advised Ms. Doukas that on a proportionate basis, given the nature of the topography, the rise is actually not very high at the highest point. He noted that there is a complete railing around the upper level of the bridge component, adding that this would prevent anyone from walking off the edge and that the area would be well lit.

Chairman Straus requested clarification of whether any type of covering would be provided over the bridge.

Mr. Eisenberg pointed out that while there is a small canopy in the area, it does not extend the full length of the bridge component.

Ms. Doukas questioned what size of trucks would be utilized for delivery to the site.

Mr. Eisenberg advised Ms. Doukas that deliveries would be made by full-sized semi-trucks, emphasizing that these deliveries are anticipated to occur only two or three times during the few weeks prior to each election.

Chairman Straus questioned whether delivery times would be predetermined to avoid blocking off portions of the parking lot.

Mr. Eisenberg pointed out that the delivery times would most likely be at the discretion of the trucking company, rather than at certain predetermined times, emphasizing that the deliveries would generally take an hour or less.

Chairman Straus expressed his opinion that a full-sized semi-truck parked in the loading dock would most likely extend into the parking lot and block the drive aisle from the south driveway, adding that anyone in the area would be stuck.

Mr. Eisenberg informed Chairman Straus that the applicant believes that once the truck is in place, there would be adequate room to provide for single vehicle passage along the side of the park, emphasizing that this is partially why this particular angle had been selected. He reiterated that this would only occur for an hour or less once or twice during the several weeks prior to an election.

Chairman Straus referred to the spaces that would be opposite the front end of the truck, specifically whether these spaces would have adequate room to pull out.

Mr. Angelo informed Chairman Straus that the applicant believes that any vehicles in these spaces would have adequate room to pull out, adding that the Sheriff gate would no longer be there.

Chairman Straus questioned where the public access areas would end, specifically whether a driver would have an alternative in the event that a truck is blocking access.

Mr. Angelo assured Chairman Straus that the public would be able to access some of the parking spaces on the south end of the property, noting that 20 or 21 spaces would be reserved for the Sheriff's Department with the balance of the 167 spaces available to the general public.

PUBLIC TESTIMONY:

On question, no member of the public appeared to testify with regard to this application.

On question, staff had no further comments with regard to this application.

The public portion of the Public Hearing was closed.

Ms. Doukas **MOVED** and Mr. Beighley **SECONDED** a motion for the approval of ADJ 2001-0003 – Washington County Elections Division Loading Dock Modifications Adjustment, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated February 7, 2002, including Conditions of Approval Nos. 1 and 2.

The question was called and the motion **CARRIED**, unanimously.

E. VAR 2001-0007 – DANIA FLAG POLE VARIANCE

This request for Sign Variance approval has been submitted for the purpose of erecting 2 additional flag poles, for a total of 4 flagpoles, at the main entrance of a retail store located at 17005 NW Cornell Road, more specifically described as Tax Lot 200 on the Washington County Assessor's Map 1N1-30DC. Because Development Code Section 60.30 includes flagpoles as part of Sign Regulations, modification to these regulations require a Sign Variance. The site is zoned General Commercial (GC) and totals approximately 5.00 acres in size. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.80.15.4.C.

Observing that she has worked with Cynthia Nelson, the architect representing *LRS Architects* in the past, Ms. Shipley stated that this would have no bearing on her decision with regard to this application.

Associate Planner Sambo Kirkman presented the Staff Report and briefly described the proposal, observing that the application does not adequately meet four of the six criteria for sign variance approval, as follows:

1. Special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the same district;
2. Strict interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience; and
6. No variance shall be granted unless it can be shown that there are special circumstances involved involving size, shape, topography, location or surroundings attached to the property referred to in the application, which do not apply generally to other properties in the same zoning district, and that the granting of the variance will not result in material damage or prejudice to other property in the vicinity and not be detrimental to the public safety and welfare. Variances shall not be granted for the convenience of the applicant or for the convenience of regional or national businesses which wish to use a standard sign.

Concluding, she recommended denial of the application and offered to respond to questions.

Chairman Straus questions whether any provision of the ordinance could preclude locating 2 flags on a single pole.

Ms. Kirkman advised Chairman Straus that the ordinance specifies that only two flags be allowed within any zoning district, noting that this does not necessarily address the flagpole itself.

APPLICANT:

CYNTHIA NELSON, representing *LRS Architects*, on behalf of the property owner, *Interline*, discussed several issues that had not been adequately addressed within the Staff Report. She explained that the flags are more of a design feature than an actual sign, noting that it had been difficult to address the criteria of a sign variance with regard to these flags, which are not really utilized for commercial purposes. On question, she advised Ms. Shipley that the current *Dania* store site has the 4 flags, as proposed by this application.

Chairman Straus questioned the location of the *Dania* store to which she is referring.

Mr. Osterberg advised Chairman Straus that the existing *Dania* store is located on SW Dawson Way, directly behind the Beaverton Nissan dealership off of Cedar Hills Boulevard.

Ms. Doukas requested clarification of how the existing store is allowed to display the 4 flags, specifically whether this had been permitted under an old ordinance.

Observing that staff had only recently become aware of this situation, Mr. Osterberg informed Ms. Doukas that this is most likely in violation of the current ordinance, adding that the standard allowing only 2 flags has been in effect for many years.

Ms. Doukas pointed out that this involves a code enforcement issue.

Chairman Straus questioned whether the applicant has ever displayed these 4 flags without flagpoles.

Ms. Nelson advised Chairman Straus that the 4 flags have always included flagpoles, adding that this is a relatively new feature in the prototype utilized throughout the country.

Ms. Doukas noted that while this restriction normally addresses car dealerships and other uses that would be considered advertisements, compromising this standard could potentially create a problem.

Agreeing with Ms. Doukas, Ms. Antonio expressed her opinion that rather than serving commercial purposes, these European flags reflect an attractive design element.

Chairman Straus pointed out that an enterprise with global enterprises could conceivably wish to display 120 or 130 flags on flagpoles.

Ms. Shipley noted that looking upon these flags as a sign is confusing.

Observing that everyone has probably noticed the car dealerships she is referring to, Ms. Doukas expressed her opinion that displaying numerous flags, even American flags, can appear pretty harsh as well as somewhat disrespectful.

Chairman Straus referred to *Burger King*'s oversized flags, expressing his opinion that respect for a nation and state should not be used for the purpose of advertisement or promotion of other countries. He emphasized that this criteria addresses exactly what the applicant is attempting to do.

Ms. Nelson reiterated that it is difficult to address the sign variance criteria when referring to flags, rather than a sign.

Ms. Doukas agreed that the criterion does involve a high standard, adding that she has not been convinced that the application meets applicable criteria.

PUBLIC TESTIMONY:

On question, no member of the public appeared to testify with regard to this application.

Mr. Osterberg observed that the applicant could easily make use of these Scandinavian flags, adding that rather than displaying the fabric flags on flagpoles, the images of these flags could be displayed on the side of the building as wall signs. He pointed out that this building could conceivably display some quite substantial sized flags on walls of this size.

Noting that the Board has no objection to displaying these flags, Ms. Doukas emphasized that it is necessary for the applicant to either meet applicable criteria or provide some very special circumstances why this criteria should not be considered.

The public portion of the Public Hearing was closed.

Mr. Doukas **MOVED** and Mr. Beighley **SECONDED** a motion for the **DENIAL** of VAR 2001-0007 – Dania Flag Pole Variance, based upon the testimony, reports and exhibits presented during the public hearings on the matter and upon the background facts, findings and conclusions found in the Staff Report dated February 7, 2002.

The question was called and the motion **CARRIED**, unanimously.

APPROVAL OF MINUTES:

The minutes of January 17, 2002, as written, were submitted. Chairman Straus asked if there were any changes or corrections. Ms. Doukas **MOVED** and Ms. Shipley **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 9:23 p.m.